

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 3, 8, 9, 10, 13, and 18 are amended. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

**I. The Claims Satisfy the Requirements Under
35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 1, 3, 8, 9, 10, 13, and 18 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1, 3, 8, 9, 10, 13, and 18 are amended to obviate this rejection in view of the Examiner's helpful comments. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Although the Office Action also rejects claims 2, 4-7, and 14 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that claims 2, 4-7, and 14, do not contain the indefinite language asserted by the Office Action. Therefore, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested for claims 2, 4-7, and 14.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-4 and 11-14 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,995,144 to Sasakura. This rejection is respectfully traversed.

The Office Action points to Figure 5 of Sasakura as teaching the features of claims 1-4 and 11-14. However, Sasakura ('144) merely shows an AF technique. Specifically, Sasakura shows an AF sensor 7 at the position conjugate with the image sensor 10. An output of the AF sensor 7 is used to move the lens 1 toward the focusing position. No parameter used in an image processing of the image data is outputted by the AF sensor 7. Namely, Sasakura does not teach or suggest the analytic image capturing device according to the present invention.

Applicants respectfully submit that although claims 9 and 10 were also rejected under this rejection, the Office Action has failed to particularly point out how Sasakura teaches the

features of claims 9 and 10. Therefore, the withdrawal of the §102(b) rejection for claims 1-4 and 9-14 is respectfully requested.

The Office Action rejects claims 5-7 and 15-17 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,995,144 to Sasakura and U.S. Patent No. 5,523,785 to Muramoto. This rejection is respectfully traversed.

The Office Action admits that Sasakura does not teach that the analyzing circuit calculates a gradation curve based upon brightness values in the image data for scene analysis; and that the image processing circuit corrects photographic image data based upon the gradation curve. However, the Office Action asserts that Muramoto makes up for this deficiency. Applicant respectfully disagrees.

Instead, Muramoto ('785) discloses an image processing technique. In detail, an output of the image capturing device is separated into a high frequency component and a low frequency component. The low frequency component is applied with the gamma correction control. Then the high frequency component and the low frequency component thus gamma-corrected are added with each other. In Muramoto, the gamma value is constant and is not varied based on results of the image analysis. Thus, similar to Sasakura, Muramoto does not teach or suggest the analytic image capturing device according to the present invention.

The Office Action rejects claims 9 and 10 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,995,144 to Sasakura and U.S. Patent No. 6,157,781 to Konno. This rejection is respectfully traversed.

Konno et al. ('781) discloses an optical filter for the image capturing device in the photo-taking interchangeable lens barrel. However, as discussed above, Sasakura does not teach or suggest the analytic image capturing device according to the present invention.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Enclosure:
Petition for Extension of Time

Date: July 21, 2003

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